

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

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|-------------------------------|---|-------------------------------|
| THOMAS M. JAMES |) | |
| |) | |
| Plaintiff, |) | Case No.: 1:13-cv-541-WTL-TAB |
| v. |) | |
| |) | |
| GEO GROUP, INC., |) | |
| SUPERINTENDENT, JEFFREY |) | |
| WRINGLES, CMS-MEDICAL |) | |
| DEPARTMENT, DOCTOR ELI |) | |
| LORENZO, MR. LEFLORE, |) | |
| WISHARD HOSPITAL and |) | |
| DOCTOR NICOLAS P. VILLANUSTRE |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

DEFENDANT’S MOTION FOR SUMMARY JUDGEMENT

COMES NOW, Defendant Nicolas P. Villanustre (“Defendant”), by counsel, and pursuant to Fed. R. Civ. P. 56, respectfully moves for Summary Judgment on Plaintiff’s complaint alleging deliberate indifference under the Eight Amendment. Defendant states that there are no genuine issues of material fact that Plaintiff has not established deliberate indifference and that it is entitled to judgment as a matter of law.

In further support of this Motion, Defendant files the accompanying Brief in Support of the Motion for Summary Judgment.

DESIGNATION OF MATERIALS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Defendant designates to the Court that it is relying upon the following documentation in support of its Motion for Summary Judgment:

1. Exhibit A - Admission Record of January 2, 2008

2. Exhibit A-1 - Radiology Report of January 2, 2008
3. Exhibit A-2 - Release Instructions of January 2, 2008
4. Exhibit B - Initial Evaluation Note of Dr. Nicolas Villanustre
5. Exhibit B-1 - Progress Note of Dr. A. Cohens
6. Exhibit C - Medical Records Certification and Affidavit.

WHEREFORE, Defendant respectfully requests that summary judgment be granted in its favor against Plaintiff.

Respectfully submitted,

/s/Gerald B. Coleman

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*Attorney for Defendant Doctor
Nicolas P. Villanustre*

CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendant Doctor Nicolas P. Villanustre's Motion for Summary Judgment and Designation of Materials in Support of Motion for Summary Judgment has been filed electronically by operation of the Court's electronic filing system as well as served upon the following by First Class, U.S. Mail, postage pre-paid, this 28th day of January, 2014.

Thomas M. James #98106
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ASPC-Douglas
Moshau North
Post Office Box 5002
Douglas, Arizona 85608

Respectfully submitted,

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